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REMARKS

Upon entry of this response, claims 2-11 and 13-17 remain pending in the present application. Claims 2, 13, 16, and 17 have been amended, and claims 1 and 12 have been canceled herein. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

In item 4 of the Office Action, claims 1-17 remain rejected under 35 U.S.C. §102(b) as being anticipated over U.S. Patent 5,953,733 issued to Langford-Wilson (hereafter "Langford"). Anticipation under §102 "requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). Claims 2 and 12 have been canceled herein, thereby rendering this grounds of rejection moot with respect to such claims. For the reasons that follow, Applicant asserts that Langford fails to show or suggest each of the elements of claims 2-11 and 12-17 as amended or originally filed. Accordingly, Applicant requests that the rejection of claims 2-11 and 12-17 be withdrawn.

For example, claim 13 has been amended solely to appear in independent form. In this respect, claim 13 as amended recites as follows:

13. A method for pruning an article further comprising the steps of:
storing the original article in a memory of the computer system;
creating a pruning copy of the original article to be reduced;
storing the pruning copy in the memory;
removing an amount of content from the pruning copy;
and
comparing a pruned content of the pruning copy with a content of the original article to determine an informational adequacy of the pruned content.

With respect to claim 13, the Office Action states:

"In regard to dependent claim 13, '733 teaches, allow the publication to store/remove sections, styles, families, children and cousins to/from the database, col. 5, lines 37-38; compare with claim 13 "storing the original article in a memory of the computer system", and "storing the pruning copy in the memory"... (Office Action, page 3)

Applicant respectfully disagrees. Specifically, at column 5, lines 37-38 cited in the Office Action, Langford states:

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"The present invention, in one form, provides tools for configuring, managing and populating the database. These tools are preferably but not essentially provided through menu bars and other computer functions within the application. They allow the publication to store/remove sections, styles, families, children and cousins to/from the database."

Applicant asserts that the storage and removal of "sections, styles, families, children and cousins to/from the database" as described in Langford is not a teaching of "storing the original article in a memory of the computer system", and "storing the pruning copy in the memory" as set forth in claim 13. Specifically, the sections, styles, families, children, and cousins do not comprise articles or pruning copies of articles that are stored in a database as claimed. In particular, from column 4, line 33 through column 5, line 24, Langford describes each of these items as follows:

"Within each publication, the database is programmed preferably in a hierarchical structure, which is:

Publication
 Section
 Layout Style
 Layout Family
 Layout child
 Layout cousins

Section refers to the various sections of the publication, such as News, Sports, Business and so on. (The publication defines these according to its needs). Section was chosen as decisive division in the database because it is between different Sections that a newspaper's design style is most likely to vary. In other words, the design style (layout and typography) is likely to be more consistent within a Section but different Sections may have slightly different styles or design needs. The present invention facilitates this, although the newspaper may also decide that each Section will be the same.

Layout Styles exist within each Section and are defined by the publication. Each Section has its own set of Layout Styles, though these can be copied into multiple Sections if they have common usage. The number of Styles within a Section is not limited. Typically, Styles are set up to reflect generic layout uses, indicative of the Section's needs, for example: lead stories, picture stories, fillers, secondary leads and so on.

The Layout Families exist within each Layout Style and are defined by the publication. Each Family represents a layout variation or option within that Style: for example, a Style called "Picture stores" might contain options which feature both horizontally and vertically oriented pictures, and options such as placing the picture at certain positions within the story layout. There is no restriction on what these variations or options can be.

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The Layout Children are contained with each Family and again are defined by the publication. Each child within a Family must have a unique size (width and depth) and the size of no two Children can overlap: within one Family, two or more Children may have the same width or depth, but no two can have the same width and depth. Typically, the Children in a Family will together form a contiguous range of sizes, so that the maximum limit of one Child will be defined by the minimum size of the next Child. Although the software will by default enforce this, it is preferred as it is not mandatory. The publication may specify a different maximum size (width or depth or both) for any Child (if only one dimension has a specified maximum, the software will use the default for the other dimension) so long as the resulting combination of width and depth is smaller than the next Child's minimum size.

The Layout Cousins represent "alternative Children". Although they are not part of the primary selection process, they are used to provide greater options to layout operators. Their use is described later. A Layout Cousin is related to a Layout Child: they both have the same size. A Layout Child may have more than one Cousin."

As describe above, the Section, Layout Style, and Layout Family refer to portions of a publication and appearances of each portion. The layout children and layout cousins define layouts associated with copyholes in a publication. They are not articles and have no content. Also, each layout child and layout cousin is unique. The storage of layout children and layout cousins in a database, for example, is not teaching of storage of an article and a pruning copy of the article in a memory as set forth in claim 13. In this respect, the rejection of claim 13 is based upon an erroneous understanding of the teachings of Langford.

In addition, with respect to claim 13, the Office Action further states:

'733 also teaches, a newshole is filled in accordance with a design, and resizing of a newshole takes place if the fit is not in accordance with predetermined criteria, col. 3, lines 4-7; compare with claim 13 "creating a pruning copy of the original article to be reduced"... (Office Action, page 3)

Once again, Applicant respectfully disagrees with the above contentions. For example, at column 3, lines 4-7 cited in the Office Action, Langford states:

"The present invention provides a system, apparatus and/or method of preparing or editing text for publishing in which: a newshole is filled in accordance with a design, and resizing of the newshole takes place if the fit is not in accordance with predetermined criteria. Advantageously, if the newshole is resized, any number of the layout elements may also be resized."

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The newsholes of Langford are not actual articles. They are ultimately populated with text, pictures, or other elements. Thus, filling a newshole is not the equivalent of creating a pruning copy of an original article as set forth in claim 13. Once again, the Office Action reflects a misunderstanding of the full teachings of Langford.

In addition, claim 13 recites the limitation of "removing an amount of content from the pruning copy". Langford fails to show or suggest the concept of removing an amount of content from a pruning copy. First, Langford does not teach creating a pruning copy of an article. In addition, Langford discusses the resizing of copyholes and the content within to fit in a predefined space in a publication. In particular, at column 8, line 45 through column 9, line 17, Langford states:

"When this is done, the present invention reads the size of the target layout, note the Section and the Layout Style requested, and searches for Families within the Section/Style which contain Children whose minimum size is smaller than or equal to the target's and whose maximum size is equal to or greater than the target's.

Because of the restriction that each Child within a Family must have a unique size (width/depth combination), only one Child can be selected from within each Family. It is possible that some Families may have no Children suitable for the target's size.

Once the possible Children are known, the present invention displays them within its window as a series of "thumbnails" – small, representative pictures of what each layout would look like.

At the same time, it resizes each Child to fit the target, using the Resizing Expressions defined for, and embedded within, each Child.

Thus, the layout editor is shown a number of layouts, each of which fits the target size, and each of which also suits the publication's particular design style for that Section (since the database is set up and subsequently searched in such a manner as to preclude "unsuitable" layouts being displayed).

To complete the operation, the layout editor simply selects the layout which appears most desirable. The present invention then "instructs" or "directs" the underlying layout application to build the selected layout according to the rules defined for it.

Thus, instead of having to build the layout manually in each case, the layout editor is simply able to work by selecting from a set of possibilities, and the computer is able to do all of the "leg work" required to actually build the layout.

This offers tremendous gains in the following areas: speed, faithful (consistent and accurate) implementation of design style, avoidance of design style errors, and simplicity of operation. It should be noted that the same series of actions are used to build any layout, regardless of its complexity, whereas when using manual layout applications, the amount of labour increases with the complexity of the layout."

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In this respect, the resizing discussed in Langford refers to the changing of font sizes and the like. Langford does not show or suggest removal of an amount of content from an article or a pruning copy of an article. In fact, the Office Action fails to even address this element of claim 13.

In addition, with respect to claim 13, the Office Action further states:

"733 also teaches, automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build a new layout and/or use it to replace the previous one, col. 4, lines 15-22; compare with claim 13 "comparing a pruned content of the pruning copy with the content of the original article to determine an informational adequacy of the pruned content". (Office Action, page 3)

Once again, Applicant disagrees. Specifically, at column 4, lines 15-22, Langford states:

"Depending on the nature and circumstances of those changes and the dictates of the predefined design rules, the present invention may further assist the user by: automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined style; and/or allowing the user to accept that suggestion, at which point the software may automatically build a new layout and/or use it to replace the previous one."

The cited excerpt of Langford merely refers to the adjustment of a size of a child layout or suggesting replacement of a layout with one that would be more appropriate based on defined style of a publication. There is no comparison of pruning copy of an original article with the original article to determine an informational adequacy of the pruning copy from which a portion of the content was removed. In fact, Langford fails to show or suggest making a pruning copy of an original article, and removing a portion of the content of the pruning copy as set forth in claim 13 as described above. In light of this fact, how is it that Langford can be deemed to show or suggest the comparison to determine the informational adequacy of the pruning copy? Thus, the assertions that Langford shows or suggests such a comparison are necessarily rooted in a misunderstanding of the full teachings of Langford.

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In spite of the foregoing, in response to the arguments presented in the Response to the previous Office Action, with respect to claim 13, the Office Action further states:

"Further more Applicant's arguments on pages 4-5, that '733 fails to show or suggest, creating a copy of an original article that is to be reduce in length, storing both the original article in a memory and a punning copy of the original article in the memory, comparing the pruned content of the printing copy with the content of the original article to determine an informational adequacy of the printed content as claimed in claim 13. the examiner respectfully disagrees, as taught by '733 at col. 5, lines 37-38 (i.e. ,allow the publication to store/remove Sections, Styles, Families, Children and Cousins to/from the database...); and further taught by '733 at col. 3, lines 4-7 (i.e. ... a newshole is filed in accordance with a design, and resizing of the newshole takes place if the fit is not in accordance with the predetermined criteria...); and further taught by '733 at col. 4, lines 15-20 (i.e. ...automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one...), and further taught by '733 at col. 5, lines 50-55 (i.e. ...checks for any existing Children within that Family that may have a conflicting size range and automatically resolves that conflict...). Therefore claim 13 remains rejected."

To the extent that the above statements in the Office Action merely restate the rejection of claim 13, Applicants Response is outlined above. In addition, at column 5, lines 50-55, Langford states:

"When a Child or Cousin is stored into the database, the publication nominates which Section/Style/Family it belongs to (and can create news Sections/Styles/Families as needed). The present invention then checks for any existing Children within that Family that may have a conflicting size range and automatically resolves that conflict by resetting the existing Child's maximum size (width, depth or both, as the case may be) to the minimum dimension/s of the new Child."

Applicant asserts that the citation to column 5, lines 50-55 as further evidence of the elements of claim 13 is without merit. Specifically, at column 5, line 50-55, Langford teaches the fact that **Layout Children and Layout Cousins** are stored in the database and that each must have a different size. The layout children and layout cousins are not articles that are stored, they are layouts to be used for articles. Also,

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Langford does not teach removal of a portion of a Layout Child or a layout Cousin as there is no content in them when stored in the database that can be removed.

Thus, for the foregoing reasons, Applicant asserts that the above excerpt fails to show or suggest each element of claim 13. Accordingly, Applicant requests the rejection of claim 13 be withdrawn.

In addition, claim 14 as originally filed provides:

14. The method of claim 13, wherein the step of removing an amount of content from the pruning copy further comprises the step of removing a last paragraph of the pruning copy.

With respect to claim 14, the Office Action states:

"In regard to dependent claim 14, '733 teaches, provides a mechanism by which text and images for publishing can be prepared and/or edited, col. 1, lines 6-7; compare with claim 14 "removing a last paragraph of the pruning copy". (Office Action, Page 3).

Applicant respectfully disagrees. Specifically, at column 1, lines 6-7, Langford states:

"Particularly, but not exclusively, the present invention is directed at the layout of newsholes."

A newshole is an area within which content such as an article is populated. In this respect, Langford discusses laying out newsholes for a respective newspaper to maintain the pre-existing style of the newspaper. Nowhere does Langford discuss pruning articles as set forth in the claims of the present application. To the extent that articles are edited, the text is resized as described above.

In addition, the above cited excerpt from Langford fails to specifically discuss the concept of removing a last paragraph of the printed copy as set forth in claim 14. Indeed, the excerpt fails to even mention the concept of a paragraph. In addition, upon close scrutiny, it is apparent that nowhere does Langford show or suggest the concept of removing a paragraph from an article to prune the content of an article so as to fit the content within a given static space allocation of a publication. The statement that in the Office Action that the sentence "Particularly, but not exclusively, the present invention is directed at the layout of newsholes" reads upon the concept of removing a paragraph from a pruning copy assumes facts far beyond the fair teachings of Langford.

Nonetheless, in response to Applicants arguments, the Office Action states:

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"Further more Applicant's arguments on pages 5-6 that '733 fails to show or suggest removing a last paragraph of the printed copy as set forth in claim 14. The examiner respectfully disagrees, as taught by '733 at col. 1, lines 6-7 (i.e....provides a mechanism by which text and images for publishing can be prepared and/or edited (i.e. prepared and/or edited is analogous phase to "add or delete")). Therefore claim 14 remains rejected."

In response to this assertion, Applicant points out that the statement of col. 1, lines 6-7 generally reference a "mechanism by which text and images for publishing can be prepared and/or edited". However, a full appreciation for the teachings of Langford points to the fact that the editing relates to editing the size of copyholes and the size of text or images of content populating the copyholes. Text, such as paragraphs, is not discarded as set forth in claim 14. Applicant asserts that in this respect, Langford ***teaches away from removing paragraphs of text***. In this regard, the Office Action asserts that Langford discloses concepts beyond what Langford fairly teaches.

Accordingly, Applicant requests for these additional reasons that the rejection of claim 14 be withdrawn.

In addition, claim 15 as originally filed provides as follows:

15. The method of claim 13, wherein the step of comparing a pruned content of the pruning copy with a content of the original article to determine an informational adequacy of the pruned content further comprises the steps of:

obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article;

obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy; and

comparing a ratio of the first value to the second value to a predefined threshold ratio.

With respect to claim 15 above, the Office Action states:

"In regard to dependent claim 15, '733 teaches, reads the size of the target layout, notes the section and the layout style requested, and searches for families within the section/style which contain children whose minimum size is smaller than or equal to the targets and whose maximum size is equal to or greater than the targets, col. 8, lines 45-50; compare with claim 15 "obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article, obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy; and comparing a ratio

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of the first value to the second value to a predefined threshold ratio". (Office Action, Pages 3-4)

Applicant respectfully disagrees with these contentions. Specifically, at column 8, lines 35-50 partially cited in the Office Action above, Langford states:

"This will open a separate computer window. If the Layout application system being used in conjunction with the present invention is able to tell the present invention which Section the current page belongs to, the present invention will by default select that Section. If not, or if the current Section's Layouts are not actually desired, the user may select a Section manually.

With the desired Section specified, the user selects a Layout Style. The possibilities, as defined in the database, are listed in the present invention's window.

When this is done, the present invention reads the size of the target layout, notes the Section and Layout Style requested, and searches for Families within the Section/Style which contain Children whose minimum size is smaller than or equal to the target's and whose maximum size is equal to or greater than the target's."

Applicant respectfully asserts that in neither the above excerpt, nor anywhere else does Langford show or suggest obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article. Specifically, the statements of the teachings of Langford as reading on the elements of claim 15 are rooted in a misunderstanding of the full teachings of Langford. Specifically, the language of Langford cited by the Office Action such as:

"reads the size of the target layout, notes the section and the layout style requested, and searches for families within the section/style which contain children whose minimum size is smaller than or equal to the targets and whose maximum size is equal to or greater than the targets, col. 8, lines 45-50"

does not read onto the elements of "obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article; obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy; and comparing a ratio of the first value to the second value to a predefined threshold ratio" as set forth in claim 15.

The sections, layout styles, layout families, layout children, and layout cousins refer to layout information itself, not the content of an article. Thus, there is no content in the sections, layout styles, layout families, layout children, and layout cousins that can be measured. Also, nowhere does Langford discuss comparing a

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ratio of the first value to the second value to a predefined threshold ratio to determine whether the content may be compromised in the pruning copy due to the reduction of its length. In this respect, no such comparison is discussed in either the cited excerpt, or any other portion of Langford.

Nonetheless, In Response to Applicants prior arguments, the Office Action states:

Further more Applicant's arguments on pages 6-7, that '733 fails to show or suggest obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article; obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy; and comparing a ratio of the first value to the second value to a predefined threshold ratios as set forth in claim 14. The examiner respectfully disagrees, as taught by '733 at col. 4, lines 15-22 (i.e. ...reads the size of the target layout, notes the Section and the Layout Style requested, and searches for Families within the Section/Style which contain Children whose minimum size is smaller than or equal to the target's and whose maximum size is equal to or greater than the target's (i.e. prepared and/or edited is analogous phase to 'add or delete')), and further taught by '733 at col. 625, line 25 through col. 7, line 10 (i.e. ... Description of Resizing Expressions... allow relationships to be defined between the various elements of a layout (Child or Cousin), such as the headline, subheading pictures, captions, bylines, body text and so on... A fixed-difference relationship. In this case, the software measures the actual difference between two values, and maintains that. For example, a picture may be 5 cm (2 inches) shorter than the total layout; specifying its depth to remain a "fixed difference" from a layout's depth would maintain the picture at 5 cm less than the layout's depth, even if the layout is resized... the user might specify a picture's depth to be 50% of the newshole depth, plus 2 cm... Maximum limit may also be placed on an element's width or depth, which will be exceeded (i.e. threshold ratio)). Also it is noted that the features upon which applicant relies (i.e., whether the content may be compromised in the pruning copy due to the reduction of its Length) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore claim 15 remains rejected.

The above discussion ignores the plain teachings of the claims and fails to fully appreciate the teachings of Langford. Specifically, claim 15 recites

"obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article;

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obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy;"

In this respect, a measure of the content of the article and the pruning copy of the article are obtained. The Examiner describes above how Langford obtains values (sizes) of layout children and the like for comparison. However, ***there is no content to measure in the layout children or the layout cousins***. As set forth in claim 15, the first and second values reflect a measure of the content of the original article and the pruning copy, respectively. Thus, Langford fails to show or suggest each of the elements of claim 15.

Accordingly, for these additional reasons, Applicant requests that the rejection of claim 15 be withdrawn.

In addition, claims 16 and 17 provide as follows:

16. The method of claim 13, further comprising the step of discarding the original article and the pruned copy if the informational adequacy of the pruned content is insufficient to publish.

17. The method of claim 13, further comprising the step of including the pruned copy in a publication if the informational adequacy of the pruned content is sufficient to publish.

Claims 16 and 17 have been amended in form so as to be compatible with the amendments to claim 13. With respect to claims 16 and 17 above, the Office Action states:

"In regard to dependent claim 16, and 17, '733 teaches, automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build a new layout and/or use it to replace the previous one, col. 4, lines 15-22; compare with claim 16 "discarding the original article and the pruned copy if the informational adequacy of the pruned content is insufficient to publish", and to claim 17 "including the pruned copy in a publication if the informational adequacy of the pruned content is sufficient to publish". (Office Action, Page 4)."

Applicant disagrees with the above contentions. Specifically, at column 3, lines 57-60 and column 4, lines 10-23 partially cited in the Office Action, Langford states:

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"IV. It facilitates the selection and usage of layouts (from a database) in accordance with the predefined designed style. To achieve this, it:

...

F. automatically monitors any further edits that the user may make to the layout after it is drawn, and measures these against predefined design rules. Depending on the nature and circumstances of those changes and the dictates of the predefined design rules, the present invention may further assist the user by: automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one.

In this respect, Langford discusses the concept of checking the edits that a user may make to a layout of a newspaper page to ensure that such edits confirm with a layout style of the paper. Specifically, Langford checks all edits against pre-existing design rules to determine whether the edits are acceptable and make suggestions as to alternatives if it is determined that the edits a user makes to the layout are not acceptable.

Claims 16 and 17 address discarding or including the pruned copy of the original article if the informational adequacy of the pruned content for the pruned copy is or is not deemed sufficient for publishing. Langford simply fails to show or suggest the concept of keeping or discarding pruned content of an article in this manner. Rather, Langford addresses the general layout of newsholes in a newspaper. It does not show or suggest pruning a particular article by removing text and then determining whether to discard the article as claimed in claims 16 and 17.

In particular, to the extent that Langford teaches "suggesting that an entirely different layout would be more appropriate according to a predefined style", it does not determine whether a pruned copy of the original article is discarded if an informational adequacy of the pruned content is or is not deemed sufficient for publishing. Specifically, there is no content in the layout children for which informational adequacy can be determined.

Accordingly, Applicant requests that the rejection of claims 16 and 17 be withdrawn.

Finally, it is noted that claims 2-11 have been rejected for the same rationale as applied to claims 13-17. Accordingly, Applicant asserts that the rejection of claims

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2-11 is improper for the same reasons discussed above with respect to claims 13-17. Accordingly, Applicant requests that the rejection of claims 2-11 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,



Michael J. D'Aurelio
Reg. No. 40,977

D'Aurelio & Mathews, LLC
96 Church Street
Chagrin Falls, Ohio 44022
Phone: (440) 729-7450
Fax: (440) 729-7465